

EEHW Committee Meeting
March 16, 2006
5:30 p.m.

MEMBERS PRESENT:

Jay Dunn, Chair
Patty Cox
Tom Durbin
Linda Little
Jerry Potts
Verzell Taylor
Melverta Wilkins

COUNTY PERSONNEL PRESENT:

Melissa Gunn, Animal Control
David Williams, County Board
Dan Lightner, Planning & Zoning
Randy Waks, Asst. State's Attorney
Ken Boles, Asst. State's Attorney
Dick Shelby, ROE
Amy Stockwell, Auditor
Jarrod Cox, Animal Control
Sherri Ludlam, Solid Waste

This meeting was called to order by Chair Dunn at the Macon County Office Building.

MINUTES

Motion made by Tom Durbin to approve the minutes of February 16, 2006, seconded by Patty Cox, and motion carried unanimously.

CLAIMS

Motion made by Tom Durbin to approve the claims, seconded by Jerry Potts, and motion carried unanimously.

ZONING

David Williams discussed Case R-15-12-05, Gregory Ooten, B-2 to M-1, and distributed photographs of the property. There are two acres with a B-2 zoning, and the Ootens want to put up a storage shed. They own two semis and two trailers, and have a petroleum business hauling gas and other petroleum products. With changes experienced after 911, David said they would never have the trucks in their location with the tankers full; they have to load in the morning and deliver.

Gregory Ooten, 332 North Maple, Maroa, IL said the companies he hauls for do not allow them to leave the product on the trailers overnight because of terrorist acts which have come about since 911, so it is empty trailers stored on the lot.

David Williams said when the Ootens originally went to Planning and Zoning to apply for a building permit, they were advised they had to go through a zoning hearing and have M-1 zoning since what they were wanting to do constituted a motor freight terminal/freight house, and a definition of a motor freight terminal is a facility where freight is hauled in and out.

David said they clearly will not be doing that, and they feel the zoning they currently have of B-2 is the correct zoning for what they need, and they do not need to proceed further with this citing the zoning code in a couple of places. First, it talks about other general service or repair establishments of similar character, gasoline service stations, and some service type facilities. What Mr. Ooten will be doing is repairs/maintenance on the semis and trailers and by having the buildings, David said it will allow him to perform this inside instead of outside which is what they want during bad weather and wintertime. David said they would like an opinion if the B-2 zoning is what they need and they feel that it is; if not, they are asking the committee how to proceed.

Chair Dunn questioned one of the photos and asked if it was part of Four Winds, and Mr. Ooten said that is property between Four Winds and his property and it is Soy City Sock Company which makes absorbent socks.

Tom Durbin asked David Williams if he was asking the committee to table this and David said no. They have gone through the Zoning Board of Appeals who felt the M-1 zoning was correct and a large part of their feeling was based on information given to them by Planning and Zoning about the Ootens running a motor freight terminal. David said they contest because it is not a motor freight terminal since they will not be hauling any type of freight in or out; they want to put the building up for maintenance of trucks and trailers. David said again they feel they have the correct zoning, B-2, and he is asking Dan Lightner to concur; if he concurs, the zoning would be dropped and the Ootens would be free to come in and get their building permit to get their building up.

Chair Dunn asked Dan Lightner to speak on this, but wanted to review some facts first. Chair Dunn said it is his understanding the Ootens understood they had to get a zoning change from B-2 to M-1 which is why they took the petition to the zoning board; the zoning board voted 2-2 on it since they did not feel it fit M-1. After reading more into the zoning, Chair Dunn said David Williams and Mr. Ooten feel what they want to do is allowable under B-2, and if Dan Lightner's opinion is that is correct, they could probably pull it but if Dan's opinion is that B-2 won't work, he assumes they will want to take this to the full board. David Williams said they would also consider going back, if there is an opinion rendered that B-2 may possibly work, but with a special use permit it would have to go back to the zoning board of appeals to ask for a special use permit and then come back to EEHW; however, they feel the B-2 zoning as exists allows for what they want and should not use a special use permit. David Williams said what they would like is to be able to build their building with the current B-2 zoning which would have them pull this from the agenda.

Tom Durbin asked for Dan Lightner's opinion as to whether it is B-2 or M-1. Dan Lightner said Mr. Williams had contacted him earlier in the week to suggest they would be presenting this to the committee, and he has had limited time to consider their request; he said he is uncomfortable at this point giving an opinion having heard their argument for the first time this evening. Dan said it is his opinion when the application was made, they were advised by the department to apply for the M-1 zoning, there was no argument or question made, and the application was properly made and sent through the zoning board. Dan said if the

information they have today differs from what they applied for on the application, they would be free to pull it but as far as the correct zoning goes, he still has a concern with how much of the fuel or vapors would remain in the tank when it is considered empty and stored on the property. Dan said in his opinion it is the vapor in the tanker which is more explosive than the fuel itself; fuel will burn but vapor will explode, and that is his concern and why he does not see how it would fit under the B-2 classification. Linda Little asked if it would be considered hazmat storage, and Dan said he could not offer a qualified opinion on that. Dan said even if it does fit under B-2, there are building codes they would have to conform to, and Linda Little said that is not the issue.

Mr. Ooten said the only reason he applied for the M-1 was because he did not have a rule book of zoning, and he was taking information from planning and zoning and was told that is what he needed to apply for so that is what he did. Linda Little asked what type of businesses fall under B-2 if you can't have a building with two trucks in it. Dan Lightner said B-2 permitted businesses are more of shopping or retail businesses. Linda Little asked if gas stations are all in 1; David Williams said yes, tire sales and service are included as well as gasoline service stations including repairs but specifically excluding auto body repairs. Linda Little asked if it had to be sales related to be considered a business; Dan Lightner said if you are not performing work for another for hire, he would not consider it a business. David Williams said it talks about any other general service or repair establishment of a similar character, so they are interpreting that the work Mr. Ooten wants to do is in fact of similar character which is allowed under the B-2 zoning. Melverta Wilkins asked if this information was given to zoning when application was made and if they told zoning everything they would be doing, and the answer was yes.

Linda Little said she prefers it stay a B-2 rather than M-1 since in the event the property is sold, the M-1 zoning allows building almost anything; Dan Lightner said M-1 is less restrictive. Tom Durbin said he would do whatever the property owner wants since this area of Maroa is consistent with light industrial work and it is going to grow, so his use of this land is totally appropriate. Tom Durbin asked if this should be tabled, voted for, withdrawn, etc. David Williams said we cannot get a recommendation from planning & zoning, so they want for it to remain B-2 and be able to come in and get a building permit and put a building up for the use said. Chair Dunn said if it is pulled it should then be taken to the zoning board for a special use permit under B-2, and Linda Little said a special use was not needed. David Williams said they are using it for an allowable use under B-2. Dan Lightner said a special use was for another warehousing issue; David Williams said what Dan is talking about is the Ootens are also planning to put up some self-storage buildings at some point which will require a special use permit.

David Williams again asked for the committee's blessing to allow the Ootens to come in tomorrow to get a building permit under their current zoning, and there is no need to go further to the county board for the M-1; the Ootens have complied with everything that planning and zoning and the county has wanted and have done tremendous work up there cleaning it up, hauling rock in, and have shown they are very responsible with the location. David asked the committee again to direct planning and zoning to allow the Ootens to build a

building with the current B-2 zoning. Tom Durbin said he is making a motion to that effect, and seconded by Patty Cox. Chair Dunn said the motion was made and seconded to direct zoning to allow a permit to be drawn under the current B-2 for this facility.

Jerry Potts asked how much of the surrounding area is open space after the shed is built, and Mr. Ooten said the shed would be 40 X 80 on two (acres area on the south side is B-2 and area on the north side for a 300 foot stretch is agricultural). Jerry Potts said there should not be any problem with fumes, and Mr. Ooten said on gas trailers it is a closed system with vapor recovery. David Williams said there have been no concerns or complaints from the township of Maroa or the city of Maroa, and the city limits are around 1/3 of a mile from Mr. Ooten's location. Just so the process is understood correctly, David Williams said if the committee votes for this, the Ootens would be free to come in with the current zoning and get their building permit, and there may be some issues there, but those are things everyone understands. Chair Dunn asked if the petition would be pulled, and David Williams said yes; the M-1 zoning is not seen a lot and there are new employees in planning/zoning so he is not pointing the finger at anybody since it was a misunderstanding, but the misunderstanding is not a fault of the Ootens. David Williams also requested the money the Ootens paid for the zoning to be refunded. There was discussion about if someone files, they pay. David Williams said that is fine, and Mr. Ooten agreed especially since everyone has learned from this situation. Motion carried unanimously.

Linda Little asked if the petition was going to be withdrawn, and Chair Dunn said no motion was needed on that. Dan Lightner said if they could get a formal letter stating the wish is to withdraw, he can physically close out his file.

REPORTS

Planning/Zoning

Dan Lightner advised the website is up and running, and has been made public. The address is www.maconcounty-il.gov and Zoning Board of Appeal minutes are on the website from 2002 - 2006. Minutes from other committees are continually being put on.

Chair Dunn thanked Dan for getting the website up and running since it has been a long process.

Regional Office of Education

Dick Shelby reported he and Jack Ahola have been working with the probation department regarding truant students who are on probation, and they are working on possible revocation of probation if truancy continues. Since the beginning of the school year, his office has received 333 five-day truant notices and 269 ten-day truant notices. High schools may have 300 trancies in a day, but it is reported to his office on a 5, 10, and 18 day basis; it is then forwarded to the state's attorney for prosecution.

For the past year through Rep. Flider's bill, his office fingerprints anyone who makes daily contact with students; it is done for education purposes, bankers, pyrotechnicians, hazmat.

Since July 1, they have fingerprinted by computer 835 individuals. There is a bill in the House or Senate right now which will restrict doing this to educational personnel only.

GED testing is done in the office and since July 1, a total of 233 have been tested and 112 received certificates for around a 50% rate.

After discussion, the ROE office will be put on the EEHW agenda. When he was appointed, he was asked to attend these meetings on a quarterly basis which he has done. Being on the agenda is fine, but he will not be able to attend every monthly meeting. Chair Dunn said that would not be a problem. Dick encouraged committee members to call him with any questions so answers can be provided at the meetings.

Animal Control

Melissa Gunn distributed the Kennel Statistics Report for February; the total handled was 251 and 199 animals were in the shelter on 2-28-06.

As of the last time she spoke with Jerry Lord, April 1 is the move date into the new facility. Melissa encouraged board members to call her if they want to tour the new facility.

Solid Waste

Ken Boles distributed copies of the revised Nuisance Ordinance along with a copy which includes changes made. Changes are not substantive but procedural; basically it now says mail it to the individual with 15 days notice at their last known address. Copies of state statutes, 5/5-1118 Garbage and Debris Removal and 5/5-1099 Weed Cutting on Residential Subdivision Lots were also distributed. When land is sold, we get the money or if we cut the grass or move trash, we can bring an action to foreclose our lien but the important thing is stuff gets cleaned up; this is the way the city handles it. Certain language was deleted since it is in the state statute. Instead of citing specific things which have subsequently been repealed, language now says we have the right to enforce any other law which we have the right to enforce anyway. Ordinances of storing junk and other waste were taken out since there is no need to mention them since the county passed resolution G-2580-11-03 which states we did not mean to repeal those ordinances when we passed the ordinance in 92.

Since we have an ordinance saying we are reviving these things, there is no need to leave mention of those in the nuisance ordinance since in the previous section language was added about any other county ordinance or state statute. Motion made by Tom Durbin to send the revised Nuisance Ordinance to the county board for approval and seconded by Patty Cox. Dan Lightner asked the committee to give planning/zoning an opportunity to review the ordinance since this is the first time he has seen it, and there are several other provisions he would like to see added. Ken Boles stated Jack Ahola wanted this passed today so it can go to the next board meeting; it can be rewritten a month or two from now with other considerations but these changes are needed now. Motion carried unanimously.

Sherri Ludlam asked for approval of the Solid Waste Plan Update; there was an open hearing on February 24 and representatives from Waste Management and Onyx Valley View

Landfill, two members of the public, and a local hauler were present. Comments pertained to clarification on other ordinances and the host fee section, and comments were brief; however, Sherri said she received in the mail a letter from Waste Management and Chair Dunn received an email from the city. Copies of both were distributed. Sherri said in the public legal notice for the hearing and at the hearing, we said the deadline for comments was to be received in our office March 10. Sherri said she felt it would be useful to attach them to the appendix with the additional comments received in the public hearing. If a change was to be considered for the plan, the plan could be amended later so full information is included in the plan by including these in the appendix under comments. Sherri said to quote, "we would still keep our options open however should an opportunity arise". Linda Little expressed concern that everyone was told March 10 was the deadline for comments so she is hesitant to make a change to the plan; however, one of them is dated March 10 and one is not. Sherri said the postmark is also March 10 which is why she would include it in the appendix, but not at this time consider changing the plan based on the comments. After receiving comments, Sherri said she put the glossary to the front. She is asking for approval to send the plan to the county board for adoption with the change of the glossary in the front, and the attachment of these and other comments received as an appendix. Motion made by Tom Durbin to do so, seconded by Linda Little, and motion carried unanimously.

Ken Boles said Randy Waks wrote a memo on June 22, 2005 suggesting that Resolutions G-1157-12-92 and G-1267-2-94 be rescinded at the same time the new five year Solid Waste plan is adopted since they are duplicative and cover the same topic. The county should be going by the new plan and get rid of these two resolutions. Linda Little asked if they would be on the agenda for the board after the plan gets approved, and Ken said the county board would have to rescind these at the same time they adopt the plan so there is no duplication. Motion made by Tom Durbin to recommend the county board rescind both resolutions, seconded by Linda Little, and motion carried unanimously.

After 5 years, Sherri said Onyx Disposal is requesting a service agreement for the disposal of waste at the warehouse including paint cans and other waste. Since we are not there on a regular basis, it is being done on a \$10 per tip fee on-call. Sherri feels it is a fair arrangement and it would come out of the recycling line item. She is requesting approval to send to the county board since it is a new contract. Motion made by Tom Durbin to send the contract to the county board, seconded by Linda Little, and motion carried unanimously.

Approval was requested for the Macon County Fair Contract; expense would be \$375 total. Sherri asked for direction first from the committee as to whether they want to participate in the fair. We did not participate last year. Melissa Gunn said her department did the fair a year before last and she feels it is an opportunity to provide education. Linda Little said location has been a problem in the past, and asked if there was a benefit to the county to participate. Jerry Potts made a motion that the county participate and forward the fair contract to the county board, and seconded by Tom Durbin. Linda Little asked if the county was going to participate or if this is a Solid Waste participation in the fair. Jerry Potts said it is for all of us. Sherri Ludlam said they have always included everyone but basically have been the support action, taken care of expenses such as the tent, and this falls the same

weekend as a collection so they will not be there on Saturday; someone else will have to be there Saturday. Sherri said it works well for Solid Waste and Animal Control, but there has not been as much participation from other departments as we would like to have; also participation from the board itself. Sherri would like to see a committee of board members or department heads, or a mixture of both rather than her going to look at a site; having someone more familiar with the fairgrounds and how crowds move would make the fair a more successful experience. Dates for the fair are June 13 – 18. Patty Cox felt a committee would be good although she is not familiar with the fairgrounds. Motion carried unanimously.

Sherri Ludlam requested approval of appropriated funds for the following:

1. \$1000 Clean-Up Grant for Village of Niantic – Motion to approve made by Linda Little, seconded by Tom Durbin, and motion carried unanimously.
2. \$9300 (plus change) Composting Demonstration Grant for Richland – Motion to approve made by Tom Durbin, seconded by Patty Cox, and motion carried unanimously.
3. Expenses for advertising the vacancy of Inspector Michael Warnick who resigned to accept a position in Probation – Motion to approve made by Tom Durbin, seconded by Patty Cox, and motion carried unanimously.
4. \$165 SWANA membership dues for Luis Perez – Motion to approve made by Patty Cox, seconded by Linda Little, and motion carried unanimously.
5. \$645.95 purchase order for full size recycled content Frisbees to be used as promotional giveaways – Motion to approve made by Tom Durbin, seconded by Patty Cox, and motion carried unanimously.

NEW BUSINESS

Chair Dunn said Randy Waks researched discussing the Intergovernmental Agreement between Macon County and the City of Decatur for Animal Control Program in closed session, and advised it should not be discussed in closed session. Chair Dunn said he is not sure if a meeting has been set up yet since information has been requested from the city. Amy Stockwell said she received information from the city yesterday in response to her request, and she will be in position to go over it with Melissa Gunn shortly.

NEXT MEETING

The next meeting is scheduled for Thursday, April 20, 2006 at 5:30 p.m. Chair Dunn said it is normally at 5:00, and asked the committee which time works best. Melverta Wilkins said 5:30 works better for her, and other committee members were ok with 5:30. Chair Dunn said the time would be decided on a monthly basis, and Randy Waks is researching since the time on the county's original notice of scheduled meetings for the year was 5:00.

ADJOURNMENT

Motion made by Tom Durbin to adjourn the meeting, seconded by Linda Little, and motion carried unanimously.

Minutes submitted by Linda Koger
Macon County Board Office